

**Introduced by Committee on Elections, Reapportionment and  
Constitutional Amendments (Senators Bowen (Chair), Battin,  
Dunn, Murray, Poochigian, and Romero)**

February 17, 2005

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An act to amend Sections 4002, 4004, 4108, and 10510 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 443, as introduced, Committee on Elections, Reapportionment and Constitutional Amendments. Elections.

Existing law sets forth the procedures for declaring candidacy for a district office, including the availability of forms and the dates on which the declarations of candidacy are due to the county elections official.

This bill would prohibit a person from filing nomination papers for more than one district office or term of office for the same district at the same election.

This bill would make corrections to erroneous cross references.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 4002 of the Elections Code is amended  
2 to read:

3 4002. Notwithstanding Section 4000, a special district may  
4 conduct its elections by mail in accordance with Sections ~~1501,~~  
5 ~~1502,~~ 1500, 4104, 4105, and 4108.

6 SEC. 2. Section 4004 of the Elections Code is amended to  
7 read:

1     4004. (a) “Small city” means a city with a population of  
2     100,000 or less, as determined by the annual city total population  
3     rankings by the Demographic Research Unit of the Department  
4     of Finance.

5     (b) “Eligible entity” means a school district or a special  
6     district.

7     (c) Notwithstanding Sections ~~1502~~ 1500 and 4000, an election  
8     in a small city or an eligible entity may be conducted wholly as  
9     an all-mail ballot election, subject to the following conditions:

10    (1) The legislative body of the small city or the governing  
11    body of the eligible entity, by resolution, authorizes the use of  
12    mailed ballots for the election.

13    (2) The election is a special election to fill a vacancy in the  
14    legislative body or governing body.

15    (3) The election is not held on the same date as a statewide  
16    primary or general election.

17    (4) The election is not consolidated with any other election.

18    (5) The return of voted mail ballots is subject to Section 3017.

19    SEC. 3. Section 4108 of the Elections Code is amended to  
20    read:

21    4108. Notwithstanding any other provisions of law and  
22    regardless of the number of eligible voters within its boundaries  
23    a district may, by resolution of its governing board, conduct any  
24    election by all-mailed ballots pursuant to Division 4  
25    (commencing with Section 4000).

26    An election conducted pursuant to this section shall be held on  
27    a date prescribed in Section ~~1501~~ 1500 or on any other date other  
28    than an established election date.

29    SEC. 4. Section 10510 of the Elections Code is amended to  
30    read:

31    10510. (a) Forms for declarations of candidacy for all district  
32    offices shall be obtained from the office of the county elections  
33    official. The county elections official may, for convenience or  
34    necessity, authorize the district secretary to issue declarations of  
35    candidacy. The forms shall first be available on the 113th day  
36    prior to the general district election and shall be filed not later  
37    than 5 p.m. on the 88th day prior to the general district election in  
38    the office of the county elections official during regular office  
39    hours or may be filed by certified mail so that the forms reach the  
40    office of the county election official no later than the deadline for

1 filing in that office. The county elections official shall record the  
2 date of filing upon the first page of each declaration of candidacy  
3 filed pursuant to this section. No candidate shall withdraw his or  
4 her declaration of candidacy after 5 p.m. on the 88th day prior to  
5 the general district election.

6 (b) *Notwithstanding any other provision of law, a person shall*  
7 *not file nomination papers for more than one district office or*  
8 *term of office for the same district at the same election.*

9 (c) On request of the district secretary, the county elections  
10 official shall provide the secretary with a copy of each  
11 declaration of candidacy filed pursuant to this section.